

[Counsel listed on signature page]

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

THOMAS A. GONDA, JR., M.D., an individual,)	
)	Case No. CV 11-01363 SC
)	
vs.)	STIPULATION ADVISING COURT OF
)	ARBITRATION RESOLUTION AND
THE PERMANENTE MEDICAL GROUP,)	CONTINUING STAY FOR ADMINISTRATIVE
INC. in its capacity as Plan Administrator;)	APPEAL AND [Proposed]
THE PERMANENTE MEDICAL GROUP,)	ORDER
INC. LONG TERM DISABILITY PLAN)	
FOR PHYSICIANS,)	
)	
Defendants.)	
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1 The parties respectfully submit the following Stipulation and [Proposed]
2 Order thereon: advising the Court of the arbitration resolution and requesting a further stay
3 of proceedings in order for Plaintiff to complete, and defendants to consider, an
4 administrative appeal of the termination of Dr. Gonda's long term disability benefits.

5 1. This action arises from defendants' decision to terminate payment of
6 disability insurance benefits to plaintiff Thomas A. Gonda, Jr., M.D., as of October 7, 2010.

7 2. Plaintiff filed suit in this Court on March 22, 2011, seeking an order
8 directing defendants to produce Dr. Gonda's claim file and other documents and information and
9 thereafter to allow him to complete an administrative appeal of the termination of long term
10 disability benefits under the applicable ERISA regulation, 29 C.F.R. §2560.503-1.

11 3. Plaintiff Dr. Gonda also initiated an arbitration proceeding against his
12 former employer, The Permanente Medical Group, Inc. ("TPMG") and the Kaiser Foundation
13 Hospitals, seeking reinstatement of his employment and/or other relief. In this action, TPMG is
14 sued (only) in its capacity as the Plan Administrator of the defendant ERISA Plan, which is
15 known as The Permanente Medical Group, Inc. Long Term Disability Plan For Physicians (the
16 "ERISA Plan"). Neither the ERISA Plan nor its insurer, Life Insurance Company of North
17 America ("LINA"), was a party to the arbitration. However, the interests of the ERISA Plan and
18 LINA were potentially affected by the outcome of the arbitration.

19 4. On September 8, 2011, at plaintiff's request and without objection by
20 defendants, the Court stayed this action pending final resolution of the arbitration proceedings.

21 5. According to plaintiff, the arbitration proceedings have been concluded by
22 a confidential settlement and that settlement has been consummated. Defendants have agreed
23 that they will permit Dr. Gonda to complete an administrative appeal of the termination of his
24 disability benefits before further proceedings in this Court. Defendants have stated and represent
25 that they have produced to plaintiff complete copies of any and all documents and information to
26 which he is entitled under ERISA and its implementing federal regulations.

6. Plaintiff has agreed to submit his administrative appeal to LINA within sixty (60) days of entry of the below Order.

7. The parties further agree to an additional stay of this litigation for one hundred and twenty (120) days in order to allow a determination to be made on Plaintiff's administrative appeal.

8. This stipulation is a matter of agreement between the parties and Defendants do not agree that Plaintiff shall be deemed a prevailing party in this action based on this stipulation and agreement.

Respectfully submitted,

Dated: April 19, 2012

JULIAN M. BAUM & ASSOCIATES

by /s/ by Julian M. Baum
Julian M. Baum (CA Bar No. 130892)
Lisa A. Lawrence (CA Bar No. 132310)
JULIAN M. BAUM & ASSOCIATES
9 Tenaya Lane
Novato, California 94947
Telephone: (415) 963-4424
Facsimile: (888) 452-3849
E-mail: JMB@JMBLawGroup.com

Attorneys for Plaintiff,
THOMAS A. GONDA, JR., M.D.

Dated: April 19, 2012

WILSON, ELSER, MOSKOWITZ,
EDELMAN & DICKER LLP

By: /s/ by Charan M. Higbee
 Adrienne C. Publicover (SB No. 161432)
 Charan M. Higbee (SB No. 148293)
 WILSON, ELSER, MOSKOWITZ,
 EDELMAN & DICKER LLP
 525 Market Street – 17th Floor
 San Francisco, California 94105-2725
 Telephone: (415) 433-0990

Facsimile: (415) 434-1370
Email: Charan.Higbee@Wilsonelser.com

Attorneys For Defendants,
THE PERMANENTE MEDICAL GROUP,
INC. In Its Capacity As Plan Administrator;
THE PERMANENTE MEDICAL GROUP,
INC. LONG TERM DISABILITY
PLAN FOR PHYSICIANS

[PROPOSED ORDER SET FORTH ON NEXT PAGE]

DECLARATION RE CONCURRENCE OF SIGNATORIES
UNITED STATES DISTRICT COURT, N.D. CAL.
GENERAL ORDER 45

The undersigned ECF filer hereby attests that concurrence in the filing of the foregoing document has been obtained from each of the other signatories whose signature is indicated by the notation “ /s/ [name of signatory].”

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: April 27, 2012

/s/ Julian M. Baum

Julian M. Baum

~~[Proposed]~~

ORDER

The parties having stipulated as set forth above, IT IS ORDERED as follows:

1. The Court's stay of this action is continued for one hundred and twenty (120) days from the date of entry of this Order;
2. Plaintiff shall submit to defendants his administrative appeal of the termination of his disability benefits within sixty (60) days of entry of this Order; and
4. Defendants shall perform a full and fair review of plaintiff's appeal in accordance with the applicable provisions of the Employee Retirement Income Security Act of 1974 ("ERISA"), 29 U.S.C. §§1001 *et seq.*, and its implementing federal regulations.

IT IS SO ORDERED.

May 1, 2012

Dated: ~~April~~ ____, 2012

